

## **Table of Contents**

- ***Alternative Service Law "a bad law. But it exists and that's good."***
- ***From raid to ban in 12 days***
- ***Pastor also to face criminal case?***
- ***Slander and obstruction to keep foreigners out***
- ***Fined when "no such community" met for worship***

---

## **Alternative Service Law "a bad law. But it exists and that's good."**

Forum 18 (18.06.2015) - For the first time, Belarus has adopted an Alternative Service Law, which will allow some young men to opt out of compulsory military service to perform a civilian alternative service instead. Yet under the Law – whose provisions take effect from 1 July 2016 – only young men with a religious objection will be eligible to apply, preventing those with other pacifist convictions from applying, Forum 18 News Service notes. The length of alternative service will be twice as long as the comparable military service. And young men already undertaking military service will not be eligible to apply for alternative service if they change their views.

Human rights defenders and the Jehovah's Witnesses – who refuse to do military service – have welcomed the Alternative Service Law's adoption. Human rights defenders stress that they will continue to work to bring the Law into line with international human rights standards, by including non-religious conscientious objectors and shortening the length of alternative service.

They also point out that there is a lack of clarity in the way even those with a religious objection – for example those from communities' that have not historically been pacifist – will be assessed. This makes it impossible to know until the new system is in operation whether even all young men with a religious conscientious objection will be able to undertake alternative civilian service.

"The Law might help 40 to 50 young men per year – and that is progress," Yauhen Asiyouski, coordinator of the For Alternative Civilian Service campaigning group, told Forum 18 from Minsk on 17 June. "But it doesn't resolve all the problems."

A spokesperson for the Defence Ministry in Minsk declined to discuss the way military officials – including those on Conscription Commissions – will deal with applicants for alternative service, once the new system is operational. "The Law was prepared by the Labour and Social Security Ministry, not us," the official – who would not give his name – told Forum 18 from Minsk on 18 June.

### ***Arbitrary current system***

Currently, all young men between the ages of 18 and 27 are called up for military service. Service is 12 months for those with higher education, 18 months for those without. Exemptions are allowed only on grounds of health or family situation.

Up till now, a conscript claiming his Constitutional right to alternative service can be charged with evasion of regular call-up to active military service under Article 435, Part 1

("Refusal of call-up to military service") of the Criminal Code. Punishments under this Article are a fine, or imprisonment of up to two years.

The new Alternative Service Law will replace the current arbitrary system. At present, those who object on grounds of conscience either to swearing the military oath or serving directly with weapons (or both) are sent to work with the railway troops or in another non-combat capacity. Those who object to serving with the armed forces in any capacity are either exempted from service altogether or imprisoned.

Jehovah's Witness Dmitry Smyk was fined under Article 435, Part 1 in 2009 before being acquitted the following year. Messianic Jew Ivan Mikhailov was sentenced to three months in prison under the same article in 2010; he served almost all of this term before acquittal. In 2010 pacifist Yevhen Yakovenko received a one-year sentence of restricted freedom under the same article, but automatically fell under an amnesty. Later criminal cases failed to reach court, though pacifist Andrei Chernousov was forcibly confined to a psychiatric hospital for five days in 2012 to establish if his convictions leading him to refuse call-up accorded with "norms of psychiatric health" (see Forum 18's Belarus religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1997](http://www.forum18.org/archive.php?article_id=1997)).

Young men may also be denied their right to freedom of religion or belief while conscripted. Youth Front activist Pavel Sergei – whose opposition to both the regime and military service is motivated by his Christian faith – was forcibly conscripted in November 2012. He was prevented from attending church during his service (see Forum 18's religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1997](http://www.forum18.org/archive.php?article_id=1997)).

Jehovah's Witnesses say since 2012 their young men have not been prosecuted. "We write dozens of certificates each year to say that individuals are in good standing in our community," they told Forum 18. "These certificates are currently accepted with no problem."

### ***International human rights obligations***

The right to refuse to perform military service is part of everyone's right (whether or not they hold a religious belief) to freedom of thought, conscience and religion guaranteed in Article 18 of the International Covenant on Civil and Political Rights (ICCPR). Belarus ratified the ICCPR in 1976. This is stated in General Comment 22 on Article 18 of the ICCPR, by the then United Nations (UN) Human Rights Committee. International human rights law rulings have repeatedly underlined this (see a personal commentary, by Derek Brett of Conscience and Peace Tax International, on conscientious objection to military service and international law at [http://www.forum18.org/Archive.php?article\\_id=1597](http://www.forum18.org/Archive.php?article_id=1597)).

Until now Belarus – like Azerbaijan (see eg. F18News 26 May 2015 [http://www.forum18.org/archive.php?article\\_id=2065](http://www.forum18.org/archive.php?article_id=2065)), Turkey (see eg. F18News 1 May 2012 [http://www.forum18.org/archive.php?article\\_id=1696](http://www.forum18.org/archive.php?article_id=1696)) and the unrecognised entity of Nagorno-Karabakh (see eg. F18News 10 November 2014 [http://www.forum18.org/archive.php?article\\_id=2014](http://www.forum18.org/archive.php?article_id=2014)) – has jailed conscientious objectors. But unlike Azerbaijan and Turkey, Belarus is not a member of the Council of Europe so its citizens have not been to challenge such punishments to the European Court of Human Rights (ECtHR) in Strasbourg.

### ***Previous delays***

Belarus' new Alternative Service Law has been discussed intermittently over many years. Attempts in 1992 and 2004 failed. A draft Law was withdrawn from Parliament in December 2013 almost as soon as it reached it (see F18News 3 February 2014 [http://www.forum18.org/archive.php?article\\_id=1923](http://www.forum18.org/archive.php?article_id=1923)).

## ***The new Alternative Service Law***

The current Law, and an associated Law amending other Laws to take account of the new alternative service, were prepared by the Labour and Social Security Ministry. They reached the lower chamber of parliament, the House of Representatives, on 6 February 2014. The two Laws passed their first reading only on 10 November 2014 and their second (and final) reading there on 13 May 2015. The upper chamber of parliament, the Council of the Republic, approved both Laws on 20 May.

Both laws were then sent to the Constitutional Court which, in separate decisions on 27 May (published on its website), ruled that they were both in conformity with the Constitution (see below). President Aleksandr Lukashenko signed them into law on 4 June and they were published on the government's legal website on 11 June. They come into force on 1 July 2016.

### ***- Civilian service***

The new Alternative Service Law makes clear throughout that alternative service itself is under the control of the Labour and Social Security Ministry. Article 1 specifies that alternative service "is not connected with service in the Armed Forces of the Republic of Belarus, or other armed or military formations of the Republic of Belarus".

Article 4 identifies healthcare, social service, housing, agriculture, forestry, road building or railway maintenance as areas where those doing alternative service would be placed. Article 5 allows for those doing alternative service to be drafted in to tackle "natural or technogenic emergency situations".

Human rights defenders and religious communities have welcomed the civilian nature of and control over alternative service.

### ***- Punitive service length***

Article 19 of the new Law specifies that the length of alternative service is 24 months for those with higher education and 36 months for those without. Nowhere is it explained why the term of alternative service is twice the length of military service.

Jehovah's Witnesses acknowledged to Forum 18 that the difference in the length of service is "not good", but noted that "our young men will agree to this". They point out that all young men are being called up for service. "We're law-abiding people," one insisted to Forum 18 from Minsk on 11 June. "Our young men will be pleased to take up the opportunity to be of service to others."

### ***- Only religious objectors***

Article 3 of the new Law specifies that the only young men eligible to apply for alternative civilian service are those "who have personally declared that taking the military oath, bearing or using weapons, or direct participation in the production or servicing of weapons, ammunition or military equipment contradicts their religious convictions to such an extent that conducting military service becomes impossible".

Human rights defenders insist that alternative service should not be confined to those who have religious objections. "We believe that everyone who applies to do alternative service should be allowed to do it," Asiyouski of For Alternative Civilian Service told Forum 18.

Elena Tonkacheva of the Lawtrend Legal Transformation Centre (who has been forced to

leave the country) noted that under the Law, only young men "with particular religious convictions" would be able to apply for alternative service. "This directly contradicts current conceptions, under which it is enough for the citizen to declare that he holds humanitarian convictions which do not allow him to bear weapons and that pacifist principles are part of his essence," she told the EuroBelarus news agency on 14 May.

On 27 May, the Constitutional Court attempted to provide a justification of why only young men with religious objections are allowed under the new Law to be conscientious objectors (see below).

### ***- Will even all religious objectors be eligible?***

The new Law does not make clear whether – in future interpretations of Article 3 – Conscription Commissions will rule that a young man must be a member of a particular religious community known for its pacifist teachings, or whether all individuals who have a personal religious objection to armed service will be accepted for alternative service.

Under Article 16, Conscription Commissions or applicants are entitled to invite to Commission meetings considering individual applications representatives of religious communities or other organisations "who might give explanations on the substance of an application". It remains unclear what will happen if a member of the clergy of the same faith as the applicant argues that this particular faith does not support objection to military service.

Asiyuski of For Alternative Civilian Service notes this lack of legal clarity on how Conscription Commissions will treat conscientious objectors. "The Law appears mainly designed for Jehovah's Witnesses and Protestants, who have strong pacifist traditions," he maintained. "I can imagine that Catholic clergy would speak up in support of young Catholics who oppose military service. But I doubt if Orthodox clergy would do so."

Fr Sergei Lepin, head of the Orthodox Church's Synodal Information Department, maintained that Orthodox theology does not exclude the use of force to defend oneself or others, with some reservations and certain limits. "Moreover, Orthodox theology considers radical pacifism incompatible with the teaching of the Scriptures – it is heresy," he insisted to Forum 18 from Minsk on 17 June. He described military service as a "sacrificial service to one's nation".

"For this reason," Fr Lepin added, "referring to Orthodox teaching to base one's desire not to serve in the army is the equivalent of referring to the Bible to justify refusal to pay one's taxes." He added that he regards conscription as necessary in view of poverty and force majeure. "I'm not saying that a person can't have reasons not to serve in the army on call-up. All I am saying is that references to Orthodoxy can't be such a reason."

By contrast, Fr Yuri Sanko, spokesperson for the Conference of Catholic Bishops, says that "of course" a priest summoned to a Conscription Commission would support a young Catholic's application to do alternative service. "Our lawyer is working on the issue of the new Law right now," he told Forum 18 from Minsk on 17 June.

Jehovah's Witnesses say they do not envisage any problems with the way Conscription Commissions will operate. They point out that currently their certificates supporting individuals unable to conduct military service are accepted with no problem. They add that they are preparing to write to all their congregations to explain the provisions of the new Law.

### ***- Military dominance of Conscription Commissions***

Asiyuski expressed concern about the composition of Conscription Commissions, which

generally meet in the building of the local Military Conscription Office. He pointed out that although the deputy head of the Regional Executive Committee chairs the Commission for each young man called up, another representative is from the Military Conscription Office and the third is a doctor working for the Conscription Office.

"The Executive Committee chairs generally back decisions the Military Conscription Office wants," Asiyuski told Forum 18. "We would like such Commissions to be entirely independent of military structures."

The spokesperson for the Defence Ministry insisted to Forum 18 that local Executive Committees control Conscription Commissions, not Military Conscription Offices.

### ***- Challenging rejections***

Those unhappy with a Conscription Commission decision (such as rejection of an alternative service application) may appeal against the decision to the Regional Conscription Commission or a court, according to Article 17 of the new Law.

### ***- No change of mind during military service***

The new Law makes no provision for a young man conducting military service or reserve service to change his mind once that service has begun. Article 15 states that eligible individuals seeking to do alternative service must lodge their applications in writing no later than 10 days before the end of the conscription period for military service or reserve service.

The Law makes no mention of any eligibility to apply for transfer to alternative civilian service, once service has begun, if a young man has changed his convictions.

"We don't recall any cases of young men changing their convictions during their service," Jehovah's Witnesses told Forum 18.

Asiyuski of For Alternative Civilian Service says he knows of no one in recent years already serving in the armed forces who has publicly expressed a demand to stop serving in the military on grounds of conscience. "It would be futile," he said. "Once conscripts have sworn the military oath they can't change their mind. The only way out of military service is on health grounds."

The Defence Ministry spokesperson had put the phone down before Forum 18 was able to ask how many young men conducting military service each year developed conscientious objections during their service. Forum 18 was also unable to ask what will happen in such cases after the new Law's provisions enter into force in July 2016.

### ***- Military record after service***

Article 30 specifies that those who have completed alternative civilian service are recorded by Military Conscription Offices in a Military Reserve Register. Individuals are also issued with a military statement that notes that they have conducted alternative service.

Jehovah's Witnesses say they are not too concerned that their young men will be listed in a register maintained by Conscription Offices. "Our young men are already on such registers," they pointed out to Forum 18. "This doesn't mean any individual has to fight. If they put names in an official category that's up to them. We would only be worried if they try to make us do something which is against our conscience."

Similarly, Asiyuski of For Alternative Civilian Service said he was not worried if names of

those who have completed alternative service are put on a Conscription Office-maintained register.

In some countries individuals known not to have conducted military service face official or social discrimination, human rights defenders and religious communities have told Forum 18 that they do not think this will be a problem in Belarus.

### ***Constitutional Court rules against non-religious pacifism***

In its 27 May ruling backing the Alternative Service Law, the Constitutional Court pointed to Article 57 of the 1994 Constitution. This states: "Defence of the Republic of Belarus is the obligation and sacred duty of a citizen of the Republic of Belarus. The procedure for undergoing military service, and the bases and conditions for exemption from military service or the substitution of it by an alternative are determined by law." However, no legal mechanism regulating alternative civilian service was introduced.

The Constitutional Court noted that the adoption of an Alternative Service Law was a "necessity" to end this gap between the Constitutional offer of an alternative service and the law. The Constitutional Court has since May 2000 repeatedly called for the adoption of an alternative service law (see F18News 3 February 2014 [http://www.forum18.org/archive.php?article\\_id=1923](http://www.forum18.org/archive.php?article_id=1923)).

The Constitutional Court also claimed on 27 May 2015 that Belarus is committed to international human rights obligations, including to freedom of religion or belief under the 1948 Universal Declaration of Human Rights and the ICCPR. However, despite expressly recognising an individual's right to "hold or adopt a religion or conviction of one's choice" and to exercise the right, as set out in the ICCPR, the Constitutional Court tries to justify why in the Law this right is extended only to those who have a religious objection to serving in the armed forces.

(Serious domestic legal and practical obstacles exist to exercising freedom of religion or belief in Belarus - see Forum 18's Belarus religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1997](http://www.forum18.org/archive.php?article_id=1997).)

The decision to allow a young man to perform alternative service, the Constitutional Court insisted, "depends on the depth of the religious convictions of the citizen, making it impossible for him to undertake military service. The lawmaker does not connect the right to substitute an alternative service for military service only with the fact of being in a religious organisation or other, in particular, pacifist convictions."

The Constitutional Court claimed in its support the 7 July 2011 ECtHR judgment in the case of Armenian Jehovah's Witness conscientious objector Vahan Bayatyan (Application no. 23459/03). The ECtHR ruled that the state's refusal to offer Bayatyan an alternative to compulsory military service and punishment of him for refusing to serve in the armed forces violated his rights under Article 9 ("Freedom of thought, conscience and religion") of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (see F18News 7 July 2011 [http://www.forum18.org/archive.php?article\\_id=1591](http://www.forum18.org/archive.php?article_id=1591)).

After the ECtHR judgment, Armenia introduced a genuine alternative civilian service (see F18News 28 November 2013 [http://www.forum18.org/archive.php?article\\_id=1901](http://www.forum18.org/archive.php?article_id=1901)). This seems to have been functioning without problems.

To support its argument, Belarus' Constitutional Court quoted part of the ECtHR judgment that only "opposition to military service, where it is motivated by a serious and insurmountable conflict between the obligation to serve in the army and a person's conscience or his deeply and genuinely held religious or other beliefs, constitutes a

conviction or belief of sufficient cogency, seriousness, cohesion and importance to attract the guarantees of Article 9 [of the ECHR]".

The Constitutional Court did not explain why it does not think it that non-religious conscientious objection to military service meets the ECtHR's criterion of "deeply and genuinely held .. other beliefs".

### ***Demands to bring new Law into line with international standards***

In May and June, both before the new Law's final adoption, veteran campaigners for the right to perform alternative civilian service gave public comments.

On 14 May, the day after the Alternative Service Law completed passage in the lower house of Parliament, Tonkacheva of Lawtrend welcomed progress on it after 21 years when "Belarusian citizens were deprived of the direct constitutional right to undertake alternative civilian service".

She told the EuroBelarus news agency that preparation of the Law came "despite the opposition of the power structures and despite the institutions that dominate in the Belarusian state sector, and thanks to the initiative of civil organisations".

Tonkacheva argued that civil society should push for further amendments to the Alternative Service Law to "humanise" it and bring it into line with international norms. She told EuroBelarus news that this might take five to seven years to achieve.

Asiyuski of the For Alternative Civilian Service campaigning group was equally concerned about some provisions of the new Law. "Well it's here, the Law's been adopted," he noted on his VKontakte page on 11 June, the day of its publication. "So many years of work resulted in .. the Law. A bad law. But it exists and that's good."

Asiyuski similarly said that efforts should continue for the Law to be amended. "That will be difficult though, given the absence of pro-democratic lawmakers from Parliament," he told Forum 18.

---

## **From raid to ban in 12 days**

Forum 18 (15.06.2015) - On 31 May police in Belarus with OMON riot police raided the Reformed Orthodox Transfiguration Church's meeting for Sunday worship, held in rented premises in Gomel [Homyel] in the south east of the country. Twelve days later, on 11 June, City Authority officials met to ban it from meeting, church members told Forum 18 News Service. Officials at the meeting warned Transfiguration Church's leader, Pastor Sergei Nikolaenko – who is already facing trial on Administrative Code charges - that he would be investigated on possible Criminal Code charges.

Pastor Nikolaenko had asked for the required permission to hold religious events as required by the Religion Law. "They had given verbal permission, but were delaying giving it in writing," he explained.

"They were too hasty – they didn't wait for permission from the City Authority to conduct religious services," Dmitry Chumakov, the official in charge of religious affairs at Gomel Regional Executive Committee, insisted to Forum 18 on 12 June. "You can watch a football match or discuss [the poet Aleksandr] Pushkin without permission, but for a religious meeting you need permission. That's what the law requires."

The raid on Transfiguration Church came exactly two weeks after a similar armed raid on

a congregation of Council of Churches Baptists – who meet for worship without state permission – in the nearby town of Svetlogorsk. Two congregation members were fined in early June (see below).

### ***Some large public events easier to arrange?***

Large events manifesting freedom of religion or belief outside state registered places of worship may have become easier to organise. To take 2014 and 2015 for example, Protestant churches have conducted outdoor baptisms in lakes, and Catholic and Orthodox church have held large visible public processions. Hare Krishna devotees told Forum 18 on 15 June that they are denied permission for such processions but hold them in less visible locations. For a 30 May 2015 large Protestant event in the capital Minsk, a Protestant Union was even able to rent from the authorities themselves the Chizhovka Arena, a major public sports and entertainment venue.

"For the first time in 20 years, the Minsk city authorities have given official permission to hold a joint prayer event for Belarus for churches of the Full Gospel Union in a hall with a capacity of a thousand!" Sergei Lukanin, lawyer for Minsk's New Life Church, wrote on his Facebook page on 22 May, the day after the city authorities approved use of the Chizhovka Arena.

In 2013 and 2014 Jehovah's Witnesses were refused permission to rent the Chizhovka Arena for a Congress. "We were given to understand that they had a principled position not to rent it for religious events to anyone", a Jehovah's Witness told Forum 18 on 15 June. Since 2011 Jehovah's have rented the Traktor Stadium in Minsk to hold Congresses, and have in 2015 been waiting since early for May for permission for a planned July Congress.

However, people in Belarus point out that the government could at any time punish the exercise of freedom of religion or belief - as has happened in 2015 to Transfiguration Church in Gomel and Council of Churches Baptist congregations.

"The laws, with all their restrictions, have not changed," a member of one religious community which has suffered raids and fines over many years told Forum 18 from Minsk on 11 June (see Forum 18's Belarus religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1997](http://www.forum18.org/archive.php?article_id=1997)). "Everything depends on the attitude of officials – some in the younger generation don't perhaps share the Soviet-style instincts of their predecessors."

The authorities are particularly prone to take action to try to prevent individuals from offering religious literature on the street, even if not many cases end in punishments (see below).

Yelena Radchenko, the Head of the Religious Affairs Department of the Office of the Plenipotentiary for Religious and Ethnic Affairs in Minsk, refused to comment to Forum 18 on 11 June on the two May raids and subsequent prosecutions in Gomel Region, or on other restrictions on exercising freedom of religion or belief.

### ***Police and riot police raid***

About 20 members of Gomel's Transformation church – the only parish in Belarus of the Reformed Orthodox Church – had gathered for Sunday worship on the afternoon of 31 May when police arrived, accompanied by OMON riot police, Pastor Nikolaenko told Forum 18. The Church was meeting in the hall of an administrative building in the city's Central District for which they had signed a rental agreement on 1 March.

Officers ordered Pastor Nikolaenko to halt the service. They told him that police had

allegedly received a call from a call box that "some kind of crowd were holding an unapproved meeting". Officers filmed those present.

Officers took down the identity of each person present, including their official place of registration and telephone number. They then drew up records of an offence against Pastor Nikolaenko and up to six congregation members under Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration").

"During this time, no one explained to us our rights," Pastor Nikolaenko complained. He also objected to questions officers asked, such as "Why did you come to this church, not to a normal or correct one?" Officers then forced all those gathered for the service to leave the building.

The duty officer at Central District Police refused to discuss its officers' participation in the raid – or any other aspect of the case. "We don't give any information by phone," he kept repeating to Forum 18 on 12 June, before putting the phone down.

The telephone of Sergei Aleinik, head of Gomel Regional OMON riot police, was engaged each time Forum 18 called on 11 and 12 June. The telephones of his deputies went unanswered.

Religious affairs official Chumakov defended the police raid. "It's possible it was very unpleasant for the participants – no one would like this," he admitted to Forum 18. "But they were right to come in and halt the service." He declined to explain why OMON riot police were needed to halt a meeting of about 20 people manifesting their freedom of religion or belief.

### ***Refusal to sign?***

On the following Sunday morning, 7 June, Pastor Nikolaenko was preparing for the meeting for worship when he received a phone call. A man claiming to be from the police, who did not give his name, demanded that he come to the police station to sign a completed record of an administrative offence. "I told him that our service was about to begin and I couldn't come then," Pastor Nikolaenko told Forum 18. "So they wrote on the bottom of the record that I had refused to sign."

Pastor Nikolaenko says the police committed a violation by preparing a record of an offence in his absence and he had been given no summons to the police in writing.

### ***"Why do you attend this church and not a normal one?"***

During the next week, police phoned several church members and summoned them to the police station for questioning, telling them it was related to a criminal case against him, Pastor Nikolaenko said. "The officer didn't identify himself and behaved threateningly, warning that those who did not come to the police would themselves face criminal prosecution."

Pastor Nikolaenko said one parishioner asked what the questioning would be about. The officer told her: "Why do you attend this church and not a normal one?"

### ***19 June court hearing***

The administrative case against Pastor Nikolaenko under Article 23.34, Part 2 was handed to Gomel's Central District Court. The hearing has been set for 19 June, Radio Free Europe noted on 12 June. The secretary for administrative cases at the Court

refused to give any information to Forum 18 on 11 June. It appears that so far, administrative cases have not been sent to court for other congregation members.

### ***Rental ban = meeting ban***

On 11 June Pastor Nikolaenko was invited to an Administrative Commission at the Central District Administration, he told Forum 18. The Commission banned the Church from renting the building further. Officials pointed out that the Church's registration and legal address is in Gomel's Soviet District and not in Central District.

"They gave their decision only verbally – they say we'll get it in writing later," Pastor Nikolaenko noted. However, the ban means that the Church could not meet for worship on Sunday 14 June or any other day.

Officials at Central District Administration directed Forum 18 to Anastasiya Grechishkina, head of its Legal Department. Despite repeated calls on 11 and 12 June, her telephone went unanswered.

The Transfiguration Church is part of the Reformed Orthodox Church. However, when it gained state registration in 2005 (and re-registration in 2012) it had to do so under the auspices of a Pentecostal Union as Pastor Nikolaenko thought the community would not get state registration as an Orthodox congregation independently of the Moscow Patriarchate. Non-Moscow Patriarchate Orthodox Christian communities can only gain state permission to exist if they have the approval of a local Moscow Patriarchate bishop (see F18News 6 November 2003 [http://www.forum18.org/Archive.php?article\\_id=177](http://www.forum18.org/Archive.php?article_id=177)).

Pastor Nikolaenko thinks it is possible that the latest trouble was initiated by clergy of the Moscow Patriarchate. Forum 18 has been unable to ascertain whether or not Moscow Patriarchate clergy are involved in the Transfiguration Church case.

### ***Police raid "as if they were coming after bandits"***

Elsewhere in Gomel Region, in the nearby town of Svetlogorsk, armed police raided the Council of Churches Baptist congregation on 17 May, as about 70 church members were meeting for Sunday morning worship. Church members say that the Svetlogorsk congregation – which meets in a private home - has not been raided for at least 20 years.

"Two of them came in first in civilian clothes, with cameras," church members told Forum 18 on 12 June. "Then 11 more armed police arrived and broke up the service, as if they were coming after bandits. It was terrible." The police were led by Major Vyacheslav Kozhedub.

Officers abruptly interrupted Vladimir Daineko when he was praying on his knees and demanded that he read the search warrant issued by District Prosecutor Vladimir Tarasenko. When Daineko refused, officers took him to the District Police Station. They drew up a record of an offence against him under Administrative Code Article 23.34, Part 1.

A similar record was prepared against fellow church member Yuri Volodenko. The names and personal details of all other attendees were taken.

Major Kozhedub was out of the office when Forum 18 called on 15 June, his colleague said. "I don't know anything about any operation," the officer – who would not give his name – told Forum 18. He referred Forum 18 to another District Police official. The woman, who similarly would not give her name, insisted the same day that the raid had

been merely a "prophylactic measure". "We didn't attack anyone," she claimed to Forum 18. She refused to explain who the raid had been trying to protect and from whom.

The officer noted that "the people" (church members) had already appealed to the police about the raid. "We replied only to the citizens who appealed to us and will not discuss our response with anyone else," she told Forum 18 before putting the phone down.

### ***Fines***

The cases against Daineko and Volodenko were then handed to Svetlogorsk District Court. On 8 June, Judge Irina Pravdun found both guilty under Administrative Code Article 23.34, Part 1, for meeting for worship with others without state permission. She fined each of them 20 basic units, 3,600,000 Belarusian Roubles (about 1,820 Norwegian Kroner, 210 Euros, or 235 US Dollars).

The fines came despite November 2011 changes to Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration"). These appeared to have removed an "offence" of meeting without state permission to exercise freedom of religion or belief in private homes (see F18News 27 June 2012 [http://www.forum18.org/Archive.php?article\\_id=1714](http://www.forum18.org/Archive.php?article_id=1714)).

Officials at Svetlogorsk District Court refused to give Forum 18 any details of the cases on 12 June.

Both Daineko and Volodenko have pledged not to pay and intend to challenge the fines. "They'll appeal to the Regional Court and if necessary go to the Supreme Court," church members told Forum 18. "Other of our churches have won appeals against the levying of such fines."

### ***Similar fines***

Elsewhere in Belarus several other church members were similarly fined in 2015 under Administrative Code Article 23.34. "We have visits – they come and they leave," one Baptist noted. "Fines are rare, but they happen." The Baptist declined to give details of when and where the other fines were imposed.

Within Gomel Region, the Gomel congregation of the Council of Churches Baptists was last raided in December 2013. Four church members were subsequently fined (see F18News 6 March 2014 [http://www.forum18.org/archive.php?article\\_id=1935](http://www.forum18.org/archive.php?article_id=1935)). However, the Gomel congregation has not been raided or harassed since then, a local Baptist told Forum 18 on 12 June.

### ***Threatened punishments for offering religious literature***

Jehovah's Witnesses who try to offer religious literature to passers-by on the street frequently face administrative prosecution. "Even if they are standing on their own they are often accused of conducting a mass demonstration," Jehovah's Witnesses told Forum 18. "We have one new case in Mogilev [Mahilyow]." They note that individuals who stand on the street begging, even if they have a notice, are not prosecuted for conducting a "mass event".

The Mogilev Jehovah's Witness community was formally threatened in writing in 2010 that it would be liquidated if such "violations" took place. The Supreme Court and the General Prosecutor's Office have rejected attempts by the Mogilev and Gomel communities to challenge such warnings (see F18News 11 November 2010 [http://www.forum18.org/archive.php?article\\_id=1510](http://www.forum18.org/archive.php?article_id=1510)).

However, Mogilev Jehovah's Witnesses note that, even though administrative cases are prepared, they are often not heard by courts until the period for completing such cases expires.

Cases were lodged against two Hare Krishna devotees stopped for offering religious literature on the streets of Polotsk in December 2014. The charges were subsequently dropped (see F18News 20 February 2015 [http://www.forum18.org/archive.php?article\\_id=2040](http://www.forum18.org/archive.php?article_id=2040)). Hare Krishna literature distribution cases launched in 2015 within Belarus "have been successfully resolved through dialogue", a Hare Krishna devotee told Forum 18 on 15 June. No punishments were imposed.

Meanwhile Jehovah Witness Andrei Kuzin is preparing a final challenge to a fine of 25 basic units or 3,750,000 Belarusian Roubles (about 1,850 Norwegian Kroner, 200 Euros, or 250 US Dollars) handed down that same month. Similarly to the Transfiguration Church and the Svetlogorsk Baptists, he was accused under Article 23.34. He was convicted under the Article's Part 2 of organising a meeting for worship without state permission at his home in Borisov in December 2014. Minsk Regional Court rejected his first appeal in February 2015 (see F18News 20 February 2015 [http://www.forum18.org/archive.php?article\\_id=2040](http://www.forum18.org/archive.php?article_id=2040)).

Kuzin lodged a further appeal to Valeri Kraiko, the Chair of the Regional Court. However, in a 30 April decision seen by Forum 18, the Judge left the punishment unchanged. Kuzin is now preparing a case to the Supreme Court, Jehovah's Witnesses told Forum 18.

---

## **Pastor also to face criminal case?**

Forum 18 (29.06.2015) - Nearly three weeks after police and riot police raided a Sunday worship service in Gomel in south-east Belarus, a court fined Pastor Sergei Nikolaenko for leading an unapproved religious meeting. A court official refused to put Forum 18 News Service through to the Judge. Nikolaenko's Reformed Orthodox Transfiguration Church has already been banned from meeting and police have searched his and another church member's homes for "sectarian" literature. A criminal charge against him might be in preparation. A third member of a Council of Churches Baptist congregation in nearby Svetlogorsk has been fined for refusing to say who was reading from the Bible when armed police raided the church during Sunday worship in May. Others face similar prosecution, as does the owner of the home where the church meets, church members told Forum 18. And three Hare Krishna devotees were detained in Vitebsk for five hours for offering religious literature on the streets.

Pastor Sergei Nikolaenko – already fined for leading a worship service in rented premises in Gomel [Homyel] in south-east Belarus – fears a criminal case might be in preparation against him, Forum 18 News Service has learned. Officials tried to get his Bishop to sign a record against him, and searched his home and that of another church member. The Church has been banned from meeting for worship, despite having the compulsory state registration.

In nearby Svetlogorsk, a court has fined a third member of a Council of Churches Baptist congregation raided by police in May for meeting for worship without state registration. Many other church members face administrative prosecution for refusing to testify against fellow church members, while the owner of the house where the church meets faces administrative prosecution for hosting religious services (see below).

Three Hare Krishna devotees were detained in the streets of the north-eastern city of

Vitebsk [Vitsyebsk] for offering religious literature to passers-by on the street. They were freed after five hours (see below).

### ***Fine follows raid***

Trouble began for Pastor Nikolaenko's congregation in Gomel on the afternoon of Sunday 31 May when police and OMON riot police raided the Reformed Orthodox Transfiguration Church's worship meeting. Some 20 church members had gathered for worship in a rented venue in the city's Central District. On 11 June a local authority commission banned the Church from meeting further (see F18News 15 June 2015 [http://www.forum18.org/archive.php?article\\_id=2073](http://www.forum18.org/archive.php?article_id=2073)).

On 19 June, Judge Viktor Kozachek of Gomel's Central District Court found Pastor Nikolaenko guilty of violating Administrative Code Article 23.34, Part 2. This punishes unauthorised organisation of public events. The Judge fined him 3,600,000 Belarusian Roubles (1,900 Norwegian Kroner, 210 Euros or 235 US Dollars), according to the court decision seen by Forum 18.

An official of Central District Court, who did not give his name, explained that Judge Kozachek is not obliged to give reasons for his decision, especially to an unrelated party. "It is prohibited to communicate with a judge directly regarding cases," the official told Forum 18 on 29 June. "If he handed out a fine it means that he considered this measure appropriate, but anyway he was acting in accordance with the norms of the law." He added that anyone unhappy with a decision can appeal to Gomel Regional Court.

Pastor Nikolaenko, who refused to plead guilty, has no intention of paying the fine and intends to appeal.

### ***Police call bishop***

On 22 June a police officer who refused to identify himself phoned Sergei Komar, the Bishop of the Pentecostal denomination to which Pastor Nikolaenko's congregation officially belongs. The officer requested him to give and sign a record against Pastor Nikolaenko, but Bishop Komar refused.

"I don't know what the record is about," Pastor Nikolaenko commented to Forum 18. "I'm shocked as I thought that the case is closed and I've already been fined."

### ***Two house searches***

On 25 June, police came to Pastor Nikolaenko's Gomel home for a search, he complained to Forum 18. During the raid, officers warned him that he would be investigated on possible Criminal Code charges. Pastor Nikolaenko speculates that officials might want to initiate a case against him under Criminal Code Article 193. This punishes organisation or leadership of a political party, social or religious organisation "which infringes on the rights, freedoms and legal interests of citizens or preventing the performing by citizens of their state, social or family obligations". The maximum punishment is two years' imprisonment.

The raid was authorised by a 4 June search warrant (seen by Forum 18) from the Police Chief of Gomel's Central District Colonel Viktor Afanasenko and counter-signed on behalf of Gomel Prosecutor Sergei Zaitsev. The same search warrant also authorises the search of the home of fellow church member Aleksandr Chuev.

The search warrant claimed that in the homes of both Nikolaenko and Chuev, "literature could be stored of a sectarian character or with information infringing on the rights, freedoms and the legal interests of citizens, or preventing the performing by citizens of

their state, social or family obligations, as well as statutes of the above unregistered organisation, lists of its members, programmes of events, reports of unapproved events and meetings conducted, and documents containing information on the leadership and ruling structure".

Pastor Nikolaenko's Church has state registration, Forum 18 notes. No definition of "sectarian" is given in Belarusian law.

In the course of the search, officers confiscated the Church's seal and documents about the church's activities, Pastor Nikolaenko told Forum 18. Asked if any "sectarian materials" were discovered, he remarked that officers examined a lot of literature but took away nothing. "They are interested in my activities as a reformer, they asked for a list of church members and documents on the church's activities," he told Forum 18.

Chuev's home was searched on Sunday morning, 28 June, Pastor Nikolaenko told Forum 18.

Forum 18 was unable to find out if prosecutors intend to bring a criminal case against Pastor Nikolaenko. Prosecutor Zaitsev's secretary put the phone down on 29 June as soon as Forum 18 asked.

Colonel Afanasenko's secretary told Forum 18 on 29 June he was out of the office and refused to transfer the call to anyone else.

### ***Warning follows Svetlogorsk raid and fines***

In Svetlogorsk in Gomel Region, officials are keeping up pressure on the Council of Churches Baptist congregation, which meets for worship in a home. Following a 17 May armed raid, two congregation members Vladimir Daineko and Yuri Volodenko were fined on 8 June (see F18News 15 June 2015 [http://www.forum18.org/archive.php?article\\_id=2073](http://www.forum18.org/archive.php?article_id=2073)).

Svetlogorsk District Prosecutor Vladimir Tarasenko gave Daineko and Volodenko an official warning that if they commit any further "violation" within a year they could face further administrative charges and their religious organisation will be "liquidated".

### ***Church member fined, home owner to be fined?***

On 18 June the owner of the house where the worship took place, Nadezhda Daineko, was summoned to the Housing and Utilities Department in Svetlogorsk. There a record was drawn up charging her with violating Administrative Code Article 21.16, which punishes improper use of residential property.

The authorities regard use of a home for religious purposes as "improper use" and can punish those who offer their homes for religious meetings (see Forum 18's Belarus religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1997](http://www.forum18.org/archive.php?article_id=1997)).

The telephones of the head of the Housing and Utilities Department, Tatyana Belaya, and her assistants went unanswered each time Forum 18 called on 29 June.

### ***Church members pressured to testify***

The Svetlogorsk police are using the same tactics as in the case with Gomel's Reformed Orthodox Transfiguration Church by pressuring Baptist Church members to give evidence against their fellow believers in court. However, Baptist Church members refused en masse to cooperate with the police. Police filed administrative cases against 17 church

members for refusing to testify at Daineko and Volodenko's trial and to answer questions about the church's activities. Police have handed the cases to court.

Lyubov Kundas was among Church members who refused to answer "who was reading the Bible when the police came?" On 25 June, Judge Ruslan Tsaruk of Svetlogorsk District Court found her guilty under Administrative Code Article 24.5. This punishes refusal to give information. The Judge fined her 1,440,000 Belarusian Roubles (750 Norwegian Kroner, 85 Euros or 95 US Dollars).

Judge Tsaruk's assistant refused to put Forum 18 through to him on 29 June or to comment on the fine.

### ***Detained for offering religious literature***

Three Hare Krishna devotees, Aleksandr Grankin, Aleksei Vlasjuk and Pavel Ivanov, were detained in the streets of Vitebsk on 17 June for sharing their religious views and offering religious literature to passers-by, they complained to Forum 18. The three were detained by Sergei Fadeenkov, the Chief Specialist of Vitebsk Regional Executive Committee Department of Religious Affairs and Nationalities.

Vlasjuk and Ivanov happened to be distributing literature outside the building of the State Control Committee (a state monitoring agency) when Fadeenkov and an unidentified companion dragged Vlasjuk by force into the building. Vlasjuk complained that he did not understand what was going on. "Later I found out that it was religious affairs official Fadeenkov. He ignored all my questions and refused to give any explanations," he lamented to Forum 18 from his home city of Mogilev on 26 June.

According to Vlasjuk, his friend and fellow devotee Ivanov was detained after he came into the State Control Committee building looking for him. Both devotees' books were confiscated and they were held inside the building against their will until the police were summoned.

Ivanov complained that Fadeenkov forced him to go to a deserted place, where he confiscated ten of his books.

The police were then summoned and officers took Ivanov and Vlasjuk to Vitebsk's Oktyabrsky District Police Station. There they were detained for five hours and released after identity verification without the preparation of any cases against them.

Vlasjuk told Forum 18 that they were slightly threatened in the police station. "It's always the same with the police - they try to provoke you to make some confession, saying that they could imprison you."

Grankin said Fadeenkov found him on the street as he was explaining to people the devotees' way of life and offering books as a present to those who wanted to know more. "Fadeenkov showed no interest either in Vedantic knowledge about healthy food, or in the philosophy of the eastern religion of Gaudiya Vaishnavism," Grankin complained to Forum 18 from his home city of Polotsk on 25 June. "Yet he confiscated four books, though he returned two of them later."

Fadeenkov angrily accused Grankin of violating the law and ignored all his requests to return the books he had seized. "I was lucky as I was not taken to the police station like my fellow devotees," Grankin explained to Forum 18.

Following intervention later by another Hare Krishna devotee, Fadeenkov returned several more of the confiscated books.

### ***Disturbing employees and visitors?***

The Head of Oktyabrsky District Police Station, Aleksei Shakhovich, said that his officers had been summoned to the State Control Committee because someone was disturbing the organisation's employees and visitors. "Probably they didn't realise themselves where they were standing," he claimed to Forum 18 on 25 June. He insisted that the devotees were detained for as long as the verification of their identity required. He denied that their rights were violated. Shakhovich confirmed that both Ivanov and Vlasyuk broke no law.

Forum 18 tried to find out why the devotees were detained and whether physical force was applied. However, the telephone of Fadeenkov at the Department of Religious Affairs and Nationalities of Vitebsk Regional Executive Committee went unanswered each time Forum 18 called between 23 and 29 June.

The devotees complained to Forum 18 that the official violated their right to freedom of thought, conscience and religion, misappropriated their possessions and detained them for several hours. "We've done nothing wrong," Vlasyuk explained. "We share our belief and advocate a healthy way of life without drugs and alcohol." The devotees filed a complaint to Vitebsk Regional Executive Committee and Prosecutor's Office, but later decided to withdraw it so as not to create more tension.

### ***Frequent detentions***

Grankin and Vlasyuk maintained to Forum 18 that they are often taken to the police when they offer Hare Krishna literature on the streets and are usually released after their identity is checked. "It depends on the city," Grankin observed. "In Minsk for example, the authorities are more tolerant and we never have problems there." They separately remarked that this case in Vitebsk was different, because the official dragged them by the arm and confiscated books.

In December 2014, two Hare Krishna devotees were accused of disorderly conduct and using obscenities in a public place, accusations they strongly denied. They were brought to court under Administrative Code Article 17.1, but both cases were closed as Judges regarded them as "minor disturbance".

Hare Krishna communities would like to be able to conduct processions on the street and offer their religious literature freely. However, they have never been given permission to carry out a public event and after a time stopped trying (see F18News 4 February 2015 [http://www.forum18.org/archive.php?article\\_id=2035](http://www.forum18.org/archive.php?article_id=2035)).

---

## **Slander and obstruction to keep foreigners out**

Forum 18 (20.02.2015) - Accusations by the senior state religious affairs official that foreign Catholic priests working in Belarus are guilty of drunken driving and other offences have evoked protest from Catholic leaders and a petition from local Catholics. They object that the claims were unfounded and slanderous, Forum 18 News Service has learnt. Catholic bishops reproached the authorities that despite the obvious lack of clergy, they refuse permission to some foreign priests invited to come to serve in Belarus. The leader of Minsk's Baptist seminary told Forum 18 that invitations for foreign lecturers to join the staff often fail. And two foreign Jehovah's Witnesses were officially warned by a court that they have no right to talk to people on the streets about their faith because they are not Belarusian citizens.

The authorities have long expressed an intention to reduce the number of foreigners conducting religious activity in Belarus. Although the Russian Orthodox Church has a number of foreign clergy in Belarus, including its leader Metropolitan Pavel, the Catholic Church is the religious community most dependent on foreign religious personnel. However, Forum 18 notes that Catholic leaders have always been highly reluctant to discuss visa denials or denials of the compulsory state permission any foreigner needs to conduct religious activity in Belarus.

The Pro-rector of Minsk's Baptist Theological Seminary, Yakov Timofeyev, pointed out that sometimes foreign professors they have invited, especially from the United States, are denied visas to Belarus. "We try not to make a problem out of it and look for other professors," he told Forum 18 on 26 January. He said they can invite foreigners for short seminars.

In the 2000s, more than 30 foreigners – Catholics, Protestants and Jews – are known to have been barred from conducting religious activity in Belarus (see F18News 15 July 2009 [http://www.forum18.org/archive.php?article\\_id=1326](http://www.forum18.org/archive.php?article_id=1326)).

### ***Extended with difficulty***

Illustrating the Catholic Church's difficulty inviting or maintaining foreign priests and nuns is the case of Fr Roman Schulz. A Polish priest of the Dominican Order, he had served in St. Kazimir and Yadviga church in Mogilev [Mahilyow] for seven years before the state authorities refused him permission to continue to conduct religious work in April 2014. After protests by parishioners, Fr Schulz' permission was extended, initially for ten days to cover Easter, and then until 20 December 2014 (see Forum 18's Belarus religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1997](http://www.forum18.org/archive.php?article_id=1997)).

It was only with difficulty that Fr Schulz' permission was extended for a further six months until 20 June 2015, Catholics told Forum 18.

Also in 2014, a Polish priest from the Franciscan Order was not allowed to come to Ivanets, Minsk Region.

The spokesman of the Catholic Bishops' Conference, Fr Yuri Sanko, denied to Forum 18 on 26 January that any Polish priests have recently been denied visas. He confirmed that the number of foreign clergy is decreasing, as they come for a limited period and have to leave Belarus as soon as their visas and permission to conduct religious activities expire.

### ***Slander?***

Tension between the State and the Catholic Church increased after the government's Plenipotentiary for Religious and Ethnic Affairs, Leonid Gulyako, published his annual report for 2014 on 22 January 2015. In his report, he accused Catholic priests from Poland of legal violations, including political engagement, and accused the Church of a lack of desire to train national priests.

"Some priests from Poland are trying to go into politics," Gulyako alleged in remarks reported by the state news agency Belta the same day. "They don't like our country, our laws and authorities. In such cases we don't prolong their stay in our country. We are not against inviting foreign clergy. .. But we always stress that they should pursue the issues for which they were invited and signed agreements with religious associations."

Accusing foreign priests of legal violations, Gulyako alleged that some remained outside Belarus for more than 340 days a year, conducted services outside the regions where they had been given state permission to serve, did not understand either of the state languages (Russian and Belarusian) and drunken driving.

Gulyako also accused Jehovah's Witnesses of numerous "violations", using them as justification for rejecting registration applications (see F18News 4 February 2015 [http://www.forum18.org/archive.php?article\\_id=2035](http://www.forum18.org/archive.php?article_id=2035)).

Forum 18 tried to reach Gulyako on 24 January for specific examples of the law-breaking he alleged. However, his secretary - after briefly consulting him - said that he did not talk to the media by phone. The secretary directed Forum 18 to his Deputy, Vladimir Lameko. However, he too refused to discuss Gulyako's report. "Gulyako made the report - ask him. If not, it's your turn to make comments," he told Forum 18. He ignored other questions and put the phone down.

Fr Sanko of the Catholic Bishops' Conference absolutely refused to comment on Gulyako's statement. "Please ask my superior to comment on this," he told Forum 18. Forum 18 was unable to reach Archbishop Tadeusz Kondrusiewicz of Minsk.

President Aleksandr Lukashenko also expressed his displeasure about the work of some Polish Catholic priests during a press conference on 29 January. He said he was "not particularly satisfied with the service of some Polish [priests] in our lands" and that he had told Pope Benedict in April 2009 that sometimes they "do things they should not do", Belta reported the same day. Lukashenko accused some of committing unspecified "administrative violations".

### ***"Without their help, many Catholics would be without pastoral care"***

On 30 January the Conference of Catholic Bishops condemned the accusations against foreign Catholic priests as groundless. "We, together with Catholic laypeople, with deep concern, consider these allegations as an unjustified insult to the Catholic Church and incitement of ethnic and religious hatred," according to the Church's website Catholic.by. The Catholic bishops requested Gulyako to provide facts supporting his public allegations and asked that he discuss further similar problems directly with them.

"Our Church still needs the help of priests from abroad," the bishops stressed. They added that foreign priests are working to revive the Belarusian Church and build and restore shrines "which they won't take with them". "Without their help, many Catholics would be without pastoral care."

Prior to the official reaction of the Catholic bishops, Catholics outraged by Gulyako's allegations launched a petition, accusing the Plenipotentiary of slandering Polish Catholic priests without facts to back up his allegations. The petition accuses Gulyako of "stirring up relations between the Catholic Church and the State and escalating religious tension," Belarusian religious news website Krynica.info noted on 26 January.

The Apostolic Nuncio in Belarus Claudio Gugerotti raised concerns with the Foreign Ministry. On 23 January he met Deputy Foreign Minister Yelena Kupchina, but the Foreign Ministry website gave no specifics on the themes discussed.

However, Foreign Minister Vladimir Makei invited Archbishop Gugerotti back to the Foreign Ministry on 30 January. The Archbishop expressed "certain concerns regarding possible interpretations of recent statements about the Catholic Church in Belarus", according to the Foreign Ministry website. Makei assured the Archbishop of "the very constructive and well balanced role of the Catholic Church in raising patriotism and supporting culture in Belarus".

The two also discussed the Catholic Academy due to be built in Minsk which, at that point, had twice been denied state registration (see below).

### ***Foreign priests "under complete control"***

Poland's Ambassador in Belarus, Leszek Szerepka, defended the Polish Catholic priests. He explained that those who had been slandered are Polish citizens and that the authorities' accusation that some are engaged in politics is very serious. He noted that many Catholics in Belarus are ethnic Poles and that Polish priests should be ready to help care for them. He complained that the authorities never expressed their gratitude to priests from Poland for helping the local Catholic Church.

"I often hear from Polish priests that it is more difficult to work in Belarus than in Africa," Ambassador Szerepka told the Charter 97 news website on 16 February. "Here these people are under the authorities' complete control. If a priest arrives to build a church, they give him permission for three or six months. What can he build in this time? The attitude to these people, who come with good intentions, is completely inexplicable."

### ***Inviting foreigners***

According to statistics given by Gulyako in recent months, the number of foreign Catholic priests is constantly declining. On 24 September 2014, he spoke of 126 Polish priests out of a total of 430 Catholic priests. On 22 January 2015 he mentioned 113 foreign priests, mostly from Poland.

Foreign religious personnel of any faith are under tight state restrictions while working in Belarus. The transfer of a foreign religious worker from one religious organisation to another - such as between parishes of the same denomination - requires permission from a state official dealing with religious affairs, even to conduct a single worship service.

Under a January 2008 Council of Ministers Decree, amended in July 2010, Belarus' top religious affairs official has sole discretion in deciding whether religious work by a foreign citizen is "necessary". He may refuse a foreign religious worker's visit without giving any reason. Foreign citizens must also demonstrate knowledge of Belarus' state languages (Belarusian and Russian) in order to perform religious work.

Under the Regulation governing the procedure for inviting foreigners to carry out religious activities in Belarus, approved by the Council of Ministers in January 2008 (and amended in July 2010), the Plenipotentiary defines the period of permission, has the right to shorten it and is not obliged to communicate the reasons for a refusal (see F18News 12 June 2014 [http://www.forum18.org/archive.php?article\\_id=1969](http://www.forum18.org/archive.php?article_id=1969)).

### ***Do foreigners have right to freedom of religion?***

Foreign Jehovah Witnesses have been punished for exercising their right to freedom of religion or belief while legally in Belarus. On 7 August 2014, Olga Shulepova from Crimea and Yulia Prokhopova from the Ukrainian city of Kherson were detained in the town of Drogichi, Brest Region, as they spoke to passers-by on the streets about their faith. The literature they distributed was confiscated.

The following day the town court found them guilty of violating Article 23.34, Part 1 of the Administrative Code, which punishes those who conduct illegal demonstrations or other mass public events. The court handed them both an official warning. On 9 October 2014 Judge Natalya Surma of Brest Regional Court rejected their appeal against the decision.

The Regional Court decision, seen by Forum 18, noted that Shulepova and Prokhopova did not plead guilty, insisting that they merely shared their belief. However, Judge Surma concluded: "Reference in the appeal to the Law on Freedom of religious belief and religious organizations and their religious activities are not well grounded, as Shulepova and Prokhopova are not citizens of Belarus."

### ***Academy registered on third attempt***

Despite Gulyako's strong criticism of the Catholic Church for what he claimed was its lack of interest in training Belarusian priests, the Plenipotentiary's Office made it difficult for the Church to gain the necessary state registration for a new Catholic Academy to be established in Minsk.

According to the 2002 Religion Law, religious educational institutions are not accredited by the state, but require registration from the Plenipotentiary's Office. Belarus has two Catholic seminaries, in Grodno and Pinsk, as well as two theological colleges, in Minsk and Baranovichi.

The Catholic bishops announced in September 2014 that the John Paul II Theological Academy would be established in Minsk, the first Catholic higher educational institution in Belarus. However, the Plenipotentiary's Office twice denied registration, for the second time in December 2014.

"How can I have a building, ask for the land for construction or buy it, were money available, while not being a legal entity?" Archbishop Kondrusiewicz was quoted by the tut.by news agency on 23 December 2014 as declaring.

Catholic Bishops' Conference spokesman Fr Sanko told Forum 18 that the Academy does not yet exist and could be opened only after registration at the Plenipotentiary's Office. He explained that a legal entity registration requires a legal address assigned to a certain building which the Bishops' Conference does not have. He maintained to Forum 18 that the refusal was justified as "everything should be done according to the law" and it is hard to find suitable premises. "It's not an office and the requirements are stricter," he complained to Forum 18.

Plenipotentiary Gulyako brushed off all criticism of the rejections. "The state is for the opening, but when the documents are submitted and it is declared that they are going to open the academy on 50 square metres as part of the curia building, excuse me. It's not even funny," he declared on 22 January. "To say nothing that according to the statute the students should also be accommodated in this building."

However, on 13 February, Plenipotentiary Gulyako finally signed the Academy's registration certificate, a copy of which was published on the Church's website.

### ***One fine upheld, another case dropped***

Meanwhile, local people continue to face court proceedings for exercising their right to freedom of religion or belief, most recently a Jehovah's Witness and Hare Krishna devotees, who faced administrative cases (see F18News 4 February 2015 [http://www.forum18.org/archive.php?article\\_id=2035](http://www.forum18.org/archive.php?article_id=2035)).

Jehovah Witness Andrei Kuzin, accused of holding unauthorised public activity by hosting a religious meeting at his home in Borisov on 20 December 2014, has failed to overturn a fine of 25 basic units or 3,750,000 Belarusian Roubles (1,850 Norwegian Kroner, 200 Euros or 250 US Dollars). Minsk Regional Court rejected his appeal on 13 February. "It seemed that it was all already decided before the hearing," he complained to Forum 18 the same day. "The Judge didn't listen to me and everything was over very quickly."

Kuzin has now lodged a further appeal to the Supreme Court. "Last time [in 2009] we won a lawsuit there and hopefully this time it will be the same, but you never know," he told Forum 18.

Meanwhile, charges against a Hare Krishna devotee who was detained together with another devotee in Polotsk on 28 December 2014 were dropped at a court hearing on 11 January 2015. The court classified his actions as a misdemeanor. The devotee could not get to the hearing as he is based in Minsk, but was informed about the ruling by phone, the leader of Minsk's Hare Krishna community Sergei Malakhovsky told Forum 18 on 17 February.

---

## **Finued when "no such community" met for worship**

Forum 18 (04.02.2015) - Following a police raid on a Jehovah's Witness meeting in a private home in Borisov in November 2014, Andrei Kuzin was fined more than a month's average wage for holding an "unauthorised mass event". His appeal is due to be heard on 13 February 2015 at Minsk Regional Court in the Belarusian capital, he told Forum 18 News Service. The community has tried – and failed – to get the compulsory state registration 11 times in the past 15 years. One official insisted to Forum 18 that "no such community" exists.

A Catholic who runs a homeless shelter in his home and two Hare Krishna devotees who offered religious literature on the streets have similarly faced police and official pressure for conducting activity without state approval (see below).

In defiance of its international human rights obligations, Belarus has imposed a tight web of restrictions on exercising the right to freedom of religion or belief. All religious activity without state registration and outside state-approved venues is banned under the harsh 2002 Religion Law and punishable. Similarly, public meetings of any sort without permission are restricted. Charitable activity is similarly restricted.

### ***Raid, fine***

The most recent trouble for the Jehovah's Witness community in the town of Borisov in Minsk Region began on 20 November 2014, when police raided a meeting for worship in Kuzin's home. "During our religious meeting I noticed two unknown people in civilian clothes," Kuzin told Forum 18 on 20 January 2015. "Then more people appeared and they started to film the meeting, and finally I saw the head of Borisov's Ideology Department Lyudmila Gornak." He added that he then noticed a minivan with police officers near his house. "I suppose they expected a scandal, that they'd have to put us down but we decided to continue with the meeting."

After the raid and questioning the authorities took one copy of each religious title they could find for an "expert analysis" (which has not been returned even after the trial). This was despite the fact that all Jehovah's Witness literature has already undergone the government's religious censorship through the "Expert Council" attached to Minsk's Office of the Plenipotentiary for Religious and Ethnic Affairs.

On 23 December 2014 Judge Aleksei Bolotov of Borisov District Court found Kuzin guilty of violating Article 23.34, Part 2 of the Administrative Code. This punishes organisers who violate regulations for holding demonstrations or other mass public events with short term arrest or a fine of 20 to 40 base units. Judge Bolotov fined Kuzin 25 basic units or 3,750,000 Belarusian Roubles (1,850 Norwegian Kroner, 200 Euros or 250 US Dollars), according to the decision seen by Forum 18. On 19 January Kuzin appealed against the fine to Minsk Regional Court.

The last use known to Forum 18 of Article 23.34 to punish meetings for worship was in January 2014, when three Council of Churches leaders in Gomel were fined.

In court in Borisov, Kuzin insisted that his community had a religious meeting studying and discussing the Bible, exercising their Constitutional right to freedom of religion or belief.

The statement of reasons attached to the verdict, seen by Forum 18, claims police had received an anonymous call informing about "a large meeting of 60-70 people, including children, who make noise and disturb other people". In their testimonies all the witnesses, all of them police officers, stated that during the meeting participants discussed the Bible and gave speeches and performances.

Asked if the meeting disturbed the neighbours, Kuzin insisted to Forum 18 that he has friendly relations with them and they have no complaints about the services which are held regularly.

At the court hearing Ludmila Gornak, Head of Borisov District Executive Committee's Ideology Department, confirmed that no requests for permission to conduct this meeting had been lodged.

### ***"There is no such community"***

Asked why the religious meeting had been raided and why the Jehovah's Witness community had faced numerous registration failures, Gornak refused to comment. "There's no such community as Jehovah's Witnesses in Borisov and there's no application for registration submitted to the city council," she told Forum 18 on 23 January, before putting the phone down.

Forum 18 was unable to talk to Judge Bolotov on 22 January as the secretary refused to transfer the call. She said he does not give comments by phone.

Kuzin declared to Forum 18 that he does not intend to pay the fine and if his appeal to Minsk Regional Court – due to be considered on 13 February - is rejected he will appeal further to the Supreme Court. In 2009 in a similar situation they won a lawsuit in the Supreme Court. "After that we had no problems with the authorities until now, apart from registration," he told Forum 18.

Kuzin connected the latest raid with their complaint regarding problems with registration to the Regional Executive Committee. "The local authorities used this [the raid] to show us our place," he lamented.

Pavel Yadlovsky assured Forum 18 that this is the first serious case for some years. He admitted that Jehovah's Witnesses have been taken to the police station more frequently since early 2014, but no warnings or fines have been handed out. "We try to talk to the local authorities and find compromises, but most of the time we find lack of understanding", he lamented.

### ***11 registration denials***

Borisov's Jehovah's Witnesses community has been functioning since 1998 and has applied for registration 11 times since 1999 – in vain. According to Kuzin, the problem is in the legal address. "We find premises for our meetings, submit the documents, but our landlord is forced to back away under pressure from the authorities," he complained to Forum 18. He said that they constantly try to convince the public that they are "normal law-abiding people who have religious freedom rights". Kuzin insists that the authorities are prejudiced against Jehovah's Witnesses and refuse to change their position.

In his annual report for 2014, made public on 22 January, the government's Plenipotentiary for Religious and Ethnic Affairs Leonid Gulyako pointed to numerous "violations" committed by Jehovah's Witnesses. He cited distribution of religious literature in "unauthorised" places and preaching outside their communities. He used this to justify the registration refusal to the Jehovah's Witnesses community in the town of Lida in the western Grodno [Hrodna] Region in June 2014. "How can we talk about registration of new communities if in every corner they offend the law of the country?", Gulyako asked.

Gulyako also used his annual report to allege that Polish Catholic priests working in Belarus had violated traffic and other laws. Catholic leaders have raised concerns with the government, while laypeople have launched a petition against what they regard as state-backed slander (see forthcoming F18News article).

Jehovah's Witness representative Pavel Yadlovsky claimed that Jehovah's Witnesses are always referred to negatively in Gulyako's annual reports. He confirmed to Forum 18 that the mentioned cases are not known to him. "The Plenipotentiary spoke of places where we don't even have communities," Yadlovsky complained to Forum 18 from Minsk on 30 January.

Yadlovsky insisted that distribution of literature is not a crime, especially if it is done on individual initiative. "The authorities can't understand that our organisation does not itself distribute religious literature and we don't even ask our members to do it," he told Forum 18. "But the law does not prohibit citizens to share their belief and give away religious leaflets." He is sure that the authorities confuse the rights of religious organisations and the rights of individuals.

In addition to the community in Borisov, about ten more Jehovah's Witnesses communities out of 27 in Belarus are struggling for state registration, Yadlovsky confirmed to Forum 18.

"It's the Bible principle to obey the authorities and we want to make our communities legal. But if the authorities find reasons not to do it we have no other choice but to obey God," Yadlovsky complained.

A member of the Jehovah's Witness community in Lida – mentioned by the Plenipotentiary – said that it is planning to complain against the local authorities' rejection of their registration application at a higher level before June 2015. "The authorities are against our registration because in this case we'll have more rights and will be able to have larger meetings," the representative, who asked not to be identified, told Forum 18 from Lida on 26 January.

The representative explained that members have their belief and come together to discuss what they read in the Bible. "If other people don't want to listen, we don't impose our belief on them." The member noted that applying for registration protected them from the authorities' harassment at least for a year.

### ***Detained on the street***

Meanwhile in the northern town of Polotsk, police detained two Hare Krishna devotees on the street on 28 December 2014, accusing them of disorderly conduct and using obscenities in a public place. The records of an offence were drawn up against both under Administrative Code Article 17.1. This punishes "minor hooliganism" with short term arrest or a fine of 2 to 30 base units. The cases were sent to courts in the devotees' places of residence, in Minsk and Orsha, Vitebsk Region.

One of the accused said the pair were sharing their belief and offering literature near a shopping centre when the administrator asked them to move away. "I did as I was told, but maybe I was not quick enough and she called the police," the devotee, who asked not to be identified, told Forum 18 on 30 January. The devotee complained that the police major was hostile, threatening to detain the pair for 15 days. Both devotees were held at the police station for six hours, enough time for the administrator of the shopping centre to give her statement.

The shopping centre administrator complained in her statement that the two devotees "deliberately molested passers-by by offering them religious literature and didn't react to repeated requests to move away", the devotee told Forum 18. The devotee insisted that there was not one word of truth in this complaint. "I've been in the Hare Krishna community for 24 years and we are instructed to be polite and tactful when offering our literature." The devotee also noted that at the police station the major accused him of using obscenities. "He must have misheard me as I never use swear words, even in my sleep."

The leader of Minsk Hare Krishna community Sergei Malakhovsky absolutely denied any possibility that devotees could behave in an unseemly manner. "Our belief prohibits using any coarse or negative words," he insisted to Forum 18 on 30 January.

### ***One case closed, another continues***

The case against the Minsk-based devotee was brought to the city's Central District Court on 28 January. However, the Judge closed the case due to the fact that it was a minor disturbance and the accused pleaded guilty.

In his petition before the hearing, the devotee asked to invite the witnesses, including the shopping centre administrator who wrote the complaint. However, no witnesses were present. He complained to Forum 18 that the judge deceived him, persuading him to sign documents that it was a minor violation which would bring no consequences. "She was so soft and caring, speaking to me like a mother to a child, that I signed the documents without reading them properly," the devotee complained. According to him she did not consider distributing literature a crime, but recommended that he be more careful while doing so, to which the devotee agreed.

"I was shocked when I saw the court decision stating that I pleaded guilty and repented," the devotee told Forum 18. He insisted that he is going to appeal to Minsk Regional Court challenging the statement of his repentance. "It will mean that this case will always be on me," he noted. "Next time they will say that I was warned and repented and this time I act deliberately." He added that he has been taken to the police station many times, but cases were never brought to court.

The administrative case against the second devotee, whose residence registration is in Orsha, has been sent to Orsha District and Town Court. However, the case was postponed after materials were sent back to Polotsk for further investigation. The first hearing has now been set for 10 February, Malakhovsky told Forum 18. He added that the court secretary had said that the case is likely to be closed.

### ***Frequent detention***

Like the Minsk-based devotee brought to court, Malakhovsky also confirmed that devotees are often brought to the police station for distributing religious literature. But, he noted, they manage to negotiate with the local authorities and most of the time there are no consequences. Yet to his knowledge, in 2014 two cases ended in fines, though he might not have learnt of other fines. "Most of the time we learn about fines only

afterwards, as our members pay them without informing us," Malakhovsky told Forum 18. He thinks that the authorities have no established procedure for dealing with literature distribution and donations, classifying these activities as unauthorised sales.

All Hare Krishna communities in Belarus are registered, but they never succeeded in obtaining permission for any public event from local administrations. "Earlier we tried to submit requests, but always got a refusal," Malakhovsky told Forum 18. "What's the point of doing the same things and appeal to the same people when the result will be the same?" He added that they gave up any attempts to get such permission ten years ago.

### ***Renewed pressure on Catholic-run shelter***

The House of Mary shelter for homeless people, run by young Catholic layman Aleksei Shchedrov in his home in the village of Aleksandrovka in Grodno Region, is facing renewed official pressure, a year after it was deprived of official registration.

The shelter has been functioning since 2011, providing refuge to homeless people along with washing facilities and medical treatment. Shchedrov was accused of carrying out unauthorised religious activities for equipping a prayer room for residents in June 2013. A criminal investigation against him was dropped three months later. The authorities renewed their pressure after revoking the shelter's official registration in February 2014.

On 12 January 2015 police officers and the head of the Village Council Tamara Zubritskaya visited the shelter, Shchedrov told Forum 18 from Aleksandrovka on 29 January. They demanded that the local police inspector close the houses and seal them up. "I was told to move the people anywhere I want, but I have nowhere to go and I am not going to do it," Shchedrov complained. He noted that the local police inspector admitted that he had no grounds for any action.

Shchedrov explained that the authorities never approved the shelter, feeling insecure of having homeless people concentrated in one place. He added that at the moment there are only seven residents, but more people keep coming asking for help.

Forum 18 tried to find out from Zubritskaya why the authorities are again seeking to close down Shchedrov's shelter. However, she refused to comment on 3 February, claiming that it was the end of the working day (it was about 4 pm) and she needed to lock her office. The head of the local police, Sergei Osovik, absolutely refused to discuss this case with Forum 18.

Shchedrov is sure that the official pressure revived because the head of the Village Council is planning to run for elected office and worries for her reputation. He hopes that once the election is over the authorities will not disturb his care for homeless people. He stressed that he had not been summoned to the police and had not been handed any warnings. "I'm not going to take any steps and will keep on living in the same way," he told Forum 18 wearily.

---